IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES AMERICA Plaintiff,

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Criminal Action No. 17-CR-166

HARRY W. BUCHANAN, Defendant.

DEFENDANT'S SENTENCING MEMORANDUM

Defendant, HARRY W. BUCHANAN ("Buchanan"), is scheduled to appear before this
Honorable Court on October 5, 2017, for sentencing. Buchanan submits the within memorandum to aid
the Court in establishing an appropriate sentence for his offenses. Pursuant to the plea agreement,
Buchanan appeared before the Honorable Henry S. Perkin, U.S. Magistrate Judge on April 26, 2017, and
pled guilty to a two-count information charging him with Willful Failure to File Tax Return, in violation
of 26 U.S.C. § 7203. Buchanan submits that under all of the circumstances to be considered, a sentence
of probation is appropriate.

1. Applicability of the Federal Sentencing Guidelines in Imposing a Sentence

In <u>United States vs. Booker</u>, 543 U.S. 220, 125 S. CT. 738, 160 L. ED. 2d 160

L. ED. 2d 621 (2005), the Supreme Court held that the Sentencing Guidelines violated the Sixth Amendment, and the Court rendered the Guidelines "advisory". I.D. at 226-27, 245. In the current, post-Booker area, a sentencing Court must "consider Guidelines ranges" but may "tailor the sentence in light of other statutory concerns as well." I.D. at 245(citing 18 U.S.C. § 3553(a)). In addition to the Guidelines, a sentencing Court considers the parties arguments and the § 3553(a) factors; the appropriate sentence may vary from the range. <u>United States vs. Gunter</u>, 462 F. 3d 237, 247(2006).

The post Booker precedent instructs District Courts to follow a 3-step process: (1) Courts must continue to calculate a Defendant's Guidelines sentence precisely as they would have before Booker; (2)

in doing so, they must formally rule on the motions of both parties and state on the record whether they are granting a departure and how that departure affects the Guidelines calculation, and take into account the 3rd Circuit's pre-Booker case law, which continues to have advisory force; and (3) finally, they are required to exercise their discretion by considering the relevant section 3553(a) factors in setting the sentence they impose regardless of whether it varies from the sentence calculated under the Guidelines. United States vs. Cooper, 437 F. 3d. 324, 329(3d. Circuit 2006), see also United States vs. King, 454 F 3d. 187(3d. Circuit 2006).

A. Guidelines Sentence.

The guideline for a sentence violation of 26 U.S.C. § 7203 is found in USSG Sections 2 T1.1(a) and 2 T4.1(F) of the Guidelines. That section provides that an offense involving willful failure to file tax return has a base offense level of 16, as the tax loss is greater than \$100,000.00 but less than \$250,000.00.

Buchanan has clearly demonstrated acceptance of responsibility for the offense, and has assisted the authorities in the investigation of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty. He is therefore entitled to a three-level decrease pursuant to USSG Sections 3E1.1(a) and 3E1.1(b) of the Guidelines. Thus, the total offense level is 13, and as Buchanan has no prior criminal record, the Guideline for a total offense level of 13 and a criminal history category of I is imprisonment of 12 to 18 months. Since the applicable Guideline range is in zone C of the sentencing table, Defendant, under the sentencing Guidelines, would be ineligible for probation. USSG § 5B1.1, comment (n.2). However, Buchanan is far from the ordinary criminal Defendant which appears before this Honorable Court, and for the reasons discussed below, he is entitled to a downward variance from the Guidelines.

B. Section 3553(a) factors.

In imposing a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in Section 3553(a)(2) the Court must consider numerous factors. Buchanan submits that there are mitigating circumstances which justify the Court exercising its discretion to impose a sentence at a downward variance from the Guidelines.

i) <u>History and Characteristics of Buchanan.</u>

The Court shall consider the nature and circumstances of the offense and the history and characteristics of the Defendant. 18 USC § 3553(a)(1). Harry Winters Buchanan, IV, is the son of Harry Buchanan, III, deceased and Barbara Buchanan, currently aged 89. He was born on January 3, 1953 in New York, New York, and is one of six children born to his parents. Buchanan is the father of two children, Harry W. Buchanan, V, currently aged 20, who is a student at the University of Alabama, and Bonnie Belle Buchanan, aged 17, who is a high school student in Virginia. He is divorced from the children's mother, Sharon Huminik. They were married in 1996, separated in 2000 and divorced in 2008. The separation and divorce was acrimonious, and played a part in Buchanan's failure to file tax returns as will be discussed below.

The Defendant has been involved in a relationship with Zina Hamati for the past 12 years. They currently reside in a home in Allentown owned by Hamati. Hamati is supportive of Buchanan and appropriately concerned about his current predicament.

Buchanan graduated from Norfolk Academy in Norfolk, Virginia in 1971. He then attended the University of Richmond in Richmond, Virginia from 1971 to 1975, where he obtained a Bachelor's Degree in Biology, graduating suma cum laude, and being honored with membership in Phi Beta Kappa. Upon graduation from the University of Richmond, Buchanan attended the University of Virginia School of Medicine from 1975 to 1979. He conducted his Internship in Medicine at Lehigh Valley Hospital; his Residency at the Department of Ophthalmology Vanderbilt Medical Center, Vanderbilt University, Nashville, Tennessee; conducted a Fellowship in corneal and external eye disease at Wills Eye Hospital, in Philadelphia from 1983 to 1984; and a second Fellowship in corneal and external eye disease at Moorfields Eye Hospital in London, England, in 1984.

¹ Buchanan's financial circumstances are such that he does not own a home.

Buchanan has served as Division Chief of Ophthalmology at Lehigh Valley Health Network and Division of Chief of Ophthalmology at Sacred Heart Hospital. He also served as the Co-Medical Director of the Northeast Pennsylvania Lions Eye Bank from 1986 to 2014, as will be discussed in further detail below. He currently has attending Physician privileges at Lehigh Valley Health Network and Sacred Heart Hospital, and is Chairman of the Fairgrounds Surgical Center (Ambulatory Surgical Center). See Curriculum Vitae attached hereto as Exhibit "A", and letter from Lehigh Valley Health Network Administrator of Medical Staff Services attached hereto as Exhibit "B".

Buchanan has been practicing in excess of 30 years as an Ophthalmologist. He is one of only 5 physicians providing premium cataract surgery in the Lehigh Valley area, and the only one utilizing the Bausch and Lomb technique. He practices as the sole physician in his practice and has thousands of patients, for some of whom he acts as a primary care specialist and is seeing those patients several times per year. For those patients looking specifically for a Bausch and Lomb implant, he is the only physician in the Lehigh Valley that provides such implants, and he is the only physician in the Lehigh Valley providing immediate and urgent care for patients that have serious cataract issues. The only option for such patients is a trip to Philadelphia.

It is expected that at the time of sentencing, Dr. Andrew Bausch, both a colleague and competitor of Dr. Buchanan, will testify. He is expected to testify about the nature of his practice and the similarity of that practice to Buchanan's, and that he refers patients to Buchanan for certain specialty cataract care which no one else in the Lehigh Valley provides. He is also expected to testify about the impact upon the patients of Buchanan should he be absent from his practice for any significant period of time, and the concern that these patients would not be able to receive needed care in the Lehigh Valley, not only because of the specialized nature of Buchanan's practice but also because there is a shortage of ophthalmologists across the country. Those patients, even on an emergent basis, would need to go to Philadelphia for treatment.

Buchanan practices through an S Corp known as Harry Buchanan, IV, MD PC. He employs full time 5 people on staff, all of whom work for him alone and have done so for in excess of twenty (20)

years. He has no partner or employee to step into his shoes should he be absent from his practice for a significant period of time.

While the sentencing Guidelines state that education and vocational skills are not ordinarily relevant in determining whether a departure is warranted, post-Booker, the Court is permitted to give further weight to a factor covered by a specific Guidelines adjustment, especially where that factor is present to an exceptional degree or in some other way makes the case different from the ordinary case where the factor is present. United States vs. Tomko, 498 F 3d. 157, 170(3d. Circuit 2007), citing United States vs. Wallace, 458 F 3d. 606, 613(7th Circuit 2006). It is appropriate to consider record of employment as a mitigating factor in sentencing, and in some cases, may be justified as fair consideration of a Defendants "history and characteristics" under section 3553(a)(1). i.d. at 170, also, Rita vs. United States, 127 S. CT. 2456, 168 L. ED. 2d 203, 2000 WL 1772146 at 17(2007).

Buchanan has served the medical community, and the residents of the Lehigh Valley who have become his patients, with professionalism, distinction, and honor. It is expected that some of his colleagues will testify at his sentencing, and others have or will submit letters to the Court describing his contributions and his value to the medical community and to the citizens of Lehigh County. Some of his patients have or will provide letters to the Court expressing their respect for Buchanan, and the respect for the excellent care that he provides to them in their time of need. See letters attached hereto as Exhibit "C". Some of the statements made by his colleagues and his patients paint a picture of the type of person Buchanan is.

Al and Dee Bauernschmidt met Dr. Buchanan when their three (3) year old son suffered damage to his eye from a stick. In their letter they detail the kind and compassionate care that their son received from Dr. Buchanan. They conclude their email as follows:

"You know that life is like putting together a puzzle. You get close the end and realize a piece is missing. You don't shelve the puzzle or throw it away because a piece is missing. The puzzle is just as wonderful as the illustration on the box, only a piece is missing. Whatever circumstance led to Dr. Buchanan's situation, he is still a very talented, capable and trusted physician by many patients who

depend on him and respect him. He is God's healing hands. Please realize this in your consideration of his case. He is a good man."

Carl C. Breininger, another patient of Dr. Buchanan's, states "knowing Dr. Buchanan professionally and personally the good doctor has always been above reproach, honest, sincere and a very caring individual in all ways."

Barbara Errico in her handwritten letter describes her discovery of the possibility of cancer in her right eye, and her interaction with Dr. Buchanan. Dr. Buchanan immediately contacted the Wills Eye Institute in Philadelphia and scheduled an appointment for Ms. Errico the following day. Because she was unfamiliar with the city of Philadelphia and Wills location, "Dr. Buchanan personally called my home several times to be sure I was comfortable with the directions to the hospital....his kindness and compassion enabled me to get through this very stressful time. Since then Dr. Buchanan has graciously provided me with his cell phone number and encouraged me to call him anytime with concerns. He has made himself available 24/7, even seeing me on Saturday and Sunday when necessary. His treatment of me is most unusual in today's medical world, where doctors are often impersonal and seemingly uncaring. Dr. Buchanan, however is the exception...

Dr. Buchanan's professional reputation represents the highest standard of ophthalmology as he has indicated to me on more than one occasion, his work is his life. He truly loves what he does. Never have I known anyone in any profession with a keener sense of vocation. He is a gentleman whose character is above reproach."

Colleagues of Dr. Buchanan are no less effusive about him. Dr. Luther V. Rhodes, III, is the Chief of Infection Control and Hospital Epidemiology at Lehigh Valley Health Network. Of Buchanan, Dr. Rhodes states "over the years we have had the opportunity to see patients for complicated eye infections and I can attest to Dr. Buchanan's ready availability and dogged determination to do the right thing, consistently, for the best patient outcome. Some of the cases were so complex they had to be transferred to Wills Eye Institute in Philadelphia after stabilization at Lehigh Valley Hospital and Dr. Buchanan facilitated this regardless of the time of day (including holiday weekends!). Not all

ophthalmologists participate in the demanding rigors of hospital "on call" duties, but Dr. Buchanan always has. He has been a physical champion of best practices in his surgical field at Fairgrounds Medical Center in Allentown.

Dr. Indru T. Khubchandani is the Professor of Surgery, Morsani College of Medicine, University of South Florida. Dr. Khubchandani has known Dr. Buchanan as a colleague, a patient, and his physician for thirty (30) years. Dr. Khubchandani noted that he chose to have Buchanan perform his cataract surgeries despite his several national and international contacts, and flew his brother from Mumbai, India, to have his cataracts removed by Buchanan. Dr. Khubchandani vouched for Buchanan's integrity and high esteem in the medical community and in person.

"'Buck' as he is known amongst the medical staff is well liked personally. He takes the time needed to explain things to his patients and their families. His affable demeanor is greatly appreciated by the medical and nursing staff at LVHN."

Dr. Jerome C. Deutsch, of the Department of Emergency Medicine/Trauma Division, Lehigh Valley Hospital & Health Network, in his letter in support of Buchanan, describe the situation in which his nephew sustained a vision threatening injury to his left eye. When the nephew was brought to the emergency room at Lehigh Valley Hospital, there was no on call ophthalmology eye surgeon available. Dr. Deutsch contacted Buchanan, who was neither on call or working that day and had no responsibility whatsoever to cover any emergencies at that moment. According to Dr. Deutsch, 'Buck' not only returned my phone call but was standing in the ER at Jared's bedside within minutes. Harry attended to Jared's serious eye emergency with skill, focus, passion and compassion-as he does with every one of his patients....

I have known Harry Buchanan for almost ten years. To say my colleagues and his patients are fond of Buck would be an obtuse distortion of the truth. My trauma team, Jared, and Buck's patients admire Harry in a way that is afforded few of my colleagues. They love Buck because he has earned their right for esteemed approval. They trust him, they respect him, and they admire him for one simple reason-Harry puts himself on the line for them-and they know it.

To be clear, Jared's emergency is not an isolated instance of Buck demonstrating his passion for better medicine. There are literally hundreds of similar cases-just ask any one of his patients-or ask any one of my colleagues."

In addition, Buchanan employs a staff of 5 devoted entirely to him who derive their livelihood from such employment. To say that he tends to the needs of thousands as both a physician and an employer would not be an understatement. His contributions to the wellbeing of the citizens of Lehigh Valley justify a mitigating factor in determining his sentence.

Like employment, although the Guidelines provide that a Defendants charitable works are not ordinarily relevant, post-Booker consideration of such good works are not specifically prohibited, and it is well within the discretion of a sentencing judge to consider such factors. Under the Guidelines, departures for charitable work are recommended only when the good works are "exceptional". USSG Manual Ch. 5, Pt. H, introductory cmt. In order to be entitled to a downward departure for good works, a Defendants civic service, charity, and philanthropy must be "beyond the norm," i.e. "exceptional," for a person with his or her resources and social status. The 3rd Circuit has considered downward departures based on charitable factors in the <u>United States vs. "Fred E." Copper.</u> 394 F 3d. 172(3d. Circuit 2005).

Michael Bearden, Vice President of Operations for SightLife Surgical, North East, is expected to testify on behalf of Buchanan. SightLife is a global health organization working to eliminate corneal blindness worldwide by 2040. In the fall of 2016, SightLife launched its subsidiary, SightLife Surgical, which is engaged in research, products, therapeutics, presentation and policy to transform the corneal ecosystem.

Buchanan became involved with the Northeast Pennsylvania Lions Eye Bank in 1986. The Eye Bank was a small organization founded by the Lions Club. Buchanan has served as the Medical Director for the Eye Bank responsible for training and procedures, and in 2015 served as the interim Chief Executive Officer for a year after the prior CEO left. During this period, he balanced the demands of his medical practice with his new responsibility in operating a 40-employee business. Buchanan has been instrumental in donating his time, skills and money to the Eye Bank for the benefit of patients in need of

corneal transplants and other treatments. For a period of time, Buchanan donated office space to the Eye Bank in his office, free of charge.

Buchanan worked directly with Michael Bearden, when Bearden served as the Director of the Eye Bank from 2003 to 2013. Although, with Buchanan's help, the Northeast PA Lions Eye Bank grew to be one of the largest eye banks in the country, by approximately 2015, the industry changed, and the Eye Bank was heading in the wrong direction. It was in need of a strong parent organization to give access and resources in order to grow to a large facility again.

At this point, Buchanan engaged in extensive research in an effort to chart the future course of the Eye Bank. It became clear to him that given what was going on in the industry, a merger with a larger organization, such as SightLife, would be needed. After conducting his research and reaching his conclusion, Buchanan met with the board of the Northeast PA Lions Eye Bank, and in a unanimous decision, the board agreed with Buchanan, even though it meant that the board gave up total control of the organization. During this period, Buchanan travelled across the country on behalf of the Eye Bank, donated thousands of his own dollars and his time, and successfully negotiated the transaction for double the original offer.

In the words of Michael Bearden, Buchanan has been a great moral compass for him. Buchanan is 100% altruistic, gives of himself tirelessly, and has never done anything to solely serve his own self-interest. In essence, the continuing survival of the Northeast PA Lions Eye Bank became a second career for Buchanan over the last decade or more, and it would not be at the stable position that it currently is allowing it to serve patients in need of corneal transplants and other devices without Buchanan's efforts. Attorney Steven H. Goodsouzian, who assisted Buchanan on the legal side of the merger, has also submitted a letter on behalf of Buchanan.

In addition to the Eye Bank, Buchanan has been involved in numerous other local non-profit and charitable organizations either actively in such organizations, or contributing financially to them, even though he has been in the midst of financial disorganization for years.

Buchanan's charitable work justifies a downward variance of at least 2 points which would take him out of zone C in the sentencing Guidelines and would make him probation eligible. Alternatively, given that the Guidelines are advisory only, his charitable work constitutes a mitigating factor which would justify a sentence of probation.

ii) Circumstances Leading to Failure to File Tax Returns.

To say that Buchanan's separation, divorce, and post-divorce relationship with his ex-wife was not amicable would be an understatement. When the parties separated, the ex Mrs. Buchanan had custody of the parties two minor children. She utilized the children as a weapon against Buchanan in an effort to gain any advantage against him that she could in the divorce, and financially. Since 2009, Buchanan's support obligation is \$6,500.00 per month or \$78,000.00 per year. In 2009, he was court ordered to deposit \$40,000.00 with the Domestic Relations Section as prospective child support!

Prior to the entry of the divorce, the ex Mrs. Buchanan moved herself and the children to Virginia, forcing Buchanan to commute from Pennsylvania to Virginia to see his children. From 2000 to 2009, Buchanan drove most weekends to visit with his children. In late 2007, for only her self-interest, the ex Mrs. Buchanan caused protective orders to be entered against Buchanan in Virginia for alleged conduct occurring while he was visiting his children. Buchanan was forced to defend himself on those occasions by hiring counsel in Virginia, and traveling to Virginia to make Court appearances, and the charges were ultimately dismissed. This is but one example of how Buchanan was forced to expend money that otherwise would have been available to pay his taxes on needless things.

In addition to spending exorbitant amounts of money and travel to see his children to defend himself on false charges in 2009, Buchanan lost time away from his busy medical practice, and was forced to recruit the services of some of his colleagues to fill in for him. Also, the billing company that he was utilizing to bill insurance companies and Medicare for services provided to his patients went out of business. As a result, not only did he need to locate a new business to do his medical billing, but Medicare required that his billing information be re-registered before they would pay new invoices. This took over six (6) months to complete resulting in a loss of thousands of dollars.

From a personal prospective, Buchanan lost his father to cancer in 2009. Prior to his passing, Mr. Buchanan, Harry W. Buchanan, III, was represented by Attorney John T. Stieh in Milford, PA. Attorney Stieh has submitted a letter on behalf of Buchanan outlining Buchanan's issues as he knew them during that period of time. Harry W. Buchanan, III would frequently visit with Attorney Stieh to discuss the complex and difficult matrimonial and custody issues with which Buchanan was confronted. He shared with Attorney Stieh the extreme financial burden that Buchanan was bearing and the father's fears for his sons physical and emotional wellbeing. During that period, Mr. Buchanan repeatedly provided financial support to his son to assist him to fulfill his support and alimony obligations, and the expenses of the protracted litigation.

According to Attorney Stieh, "while Mr. Buchanan was literally on his death bed, I personally witnessed the demands that he imposed on Dr. Buchanan for Dr. Buchanan's personal attendance to Mr. Buchanan's medical needs. Due to this severe affect Mr. Buchanan's needs had on Dr. Buchanan's medical practice, Mr. Buchanan instructed that payment be made from his assets to fund the operation of Dr. Buchanan's practice while he was attending to his father."

Attorney Stieh goes on to state "since Mr. Buchanan's passing, I have had the opportunity to work with Dr. Buchanan as co-executor of Mr. Buchanan's estate. It has become apparent that Dr. Buchanan has been put in the role of being the family patriarch. He has actively attended to his mother's needs, has been of great assistance to many of his siblings and, all the while been attempting to rebuild his medical practice, which had declined significantly as a result of the family obligations he accepted near the time of his father's last illness. I have found Dr. Buchanan to be forthright and honest with me in our dealings.

As a member of the Bar, I appreciate the magnitude of the circumstances in which he is now before the court. From my knowledge of Dr. Buchanan for more than the past twenty years, I can only believe his actions were in no manner reflective of the responsible person I have found him to be. I would hope the court can take these thoughts into consideration in mitigation of Dr. Buchanan's sentence."

Prior to the incident in question, Buchanan had no criminal record and no involvement with criminal law, other than the charges filed against him in Virginia on false allegations. He has led an exemplary life both professionally and personally, and has worked vigorously with the United States Government to address his tax issues and to honor his obligations.

While admittedly the history does not excuse his conduct, it does provide an explanation for why Buchanan was reluctant to file Federal Income Tax Returns when he knew that he had no money to satisfy his tax obligations.

(iii) Need for the Sentence Imposed.

As discussed previously, Buchanan has heretofore lead a crime free life and as a well-respected and successful physician in the Lehigh Valley, and there is no need to protect the public for further crimes of Buchanan. To the contrary, it would be more harmful to the public if he were incarcerated as his patients and employees would suffer greatly. Additionally, Buchanan does not need any vocational training, medical care or other correctional treatment.

Nor is a sentence of incarceration necessary to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, or afford adequate deterrence to criminal conduct. Buchanan recognizes, that there are cases, including <u>United States vs. Tomco.</u> supra, which discuss the guidelines section finding a sentence of probation for tax crimes does not reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense or provide adequate deterrence. However, those cases principally deal with tax fraud cases or tax evasion cases, as opposed to cases involving a willful failure to file a tax return. In those other cases, the government is forced to go behind the tax returns that were filed to discover unrecorded income. Jail terms are typically imposed because of the difficulty of detecting such violations.

In the within matter, Buchanan did not attempt to hide anything. He failed to file his returns, which does not involve an overt attempt to conceal income, nor do they require an in-depth investigation.

While there are other factors set forth under 18 USCS Section 3553, they have all been discussed heretofore.

Conclusion.

Buchanan stands before this Honorable Court having admitted to failing to file income tax returns for two (2) calendar years. It is clear from the testimony that will be presented on his behalf, as well as the letters which have been submitted on his behalf, that these acts do not define the person or the character of Harry W. Buchanan. For over sixty (60) years, Buchanan has led an exemplary professional and personal life. It is clear that he is altruistic and giving to a fault. He is available to his colleagues and his patients 24 hours a day, seven days a week including weekends and holidays. He gives patients his personal cell phone number so that they can contact him in their time of need, and he follows up with his patients in times of stress to ensure that they are fully aware of their condition and are comforted.

Clearly, all of this is done at the personal expense of Harry W. Buchanan. Buchanan devotes so much of this time and attention to others, he is inattentive to his own personal needs and obligations, including filing his tax returns. While under the law this makes him a criminal, from a human perspective, such a label is at odds with the real Harry W. Buchanan.

Although the Advisory Sentencing Guidelines have a standard range of 12 to 18 months incarceration, probation being unavailable on a zone C offense, incarceration would be excessive and unnecessary under the circumstances. Given the exceptional charitable activities of Buchanan, a downward departure outside zone C would be appropriate with a sentence of probation. Furthermore, since the Guidelines are only advisory, the education and the professional employment of Buchanan, together with his charitable work are mitigating factors which would justify the Court ordering a period of probation.

WHEREFORE, for all of these reasons, Buchanan respectfully requests this Honorable Court fashion a sentencing order placing him in probation.

PATRICK J. REILLY, ESQUIRE

ID No: 32235

Attorney for Defendant

CURRICULUM VITAE

NAME:

Harry Winters Buchanan IV, M.D.

HOME ADDRESS:

2824 W. Washington St.

Allentown, PA 18104

OFFICE ADDRESS:

Fairgrounds Medical Center 400 N. 17th Street, Suite 200

Allentown, PA 18104 Phone: (610) 433-2021

BIRTHDATE:

3 January 1953

BIRTHPLACE:

New York City, New York

PARENTS:

Harry Winters Buchanan III Barbara Combes Buchanan

SOCIAL SECURITY NUMBER:

159-44-4119

MARITAL STATUS:

Divorced

RELIGION:

Catholic

SET.

Male

CITIZENSHIP:

United States

RACE:

Caucasian

INTERESTS:

Music, Flying, Photography, Travel, Golf

EDUCATION:

Norfolk Academy Norfolk, Virginia 1967 – 1971

University of Richmond Richmond, Virginia 1971 ~ 1975 BS Degree



CURRICULUM VITAE HARRY WINTERS BUCHANAN IV, M.D. PAGE TWO

EDUCATION (CONTINUED):

School of Medicine University of Virginia Charlottesville, Virginia 1975-1979

INTERNSHIP:

Medicine Lehigh Valley Hospital Cedar Crest & I-78 1200 S. Cedar Crest Blvd. Allentown, PA

RESIDENCY:

Department of Ophthalmology Vanderbilt Medical Center Vanderbilt University Nashville, Tennessee 1980 – 1982 1982 – 1983 (Chief Resident)

FELLOWSHIP:

Comea and External Eye Disease Wills Eye Hospital Philadelphia, PA 1983 – 1984

Comea and External Eye Disease Moorfields Eye Hospital London, England 1984

HOSPITAL APPOINTMENTS:

Attending Physician Sacred Heart Hospital 421 Chew Street Allentown, PA

Chairman, Fairgrounds Surgical Ctr. (Ambulatory Surgical Center)
400 N. 17th Street, Suite 300
Allentown, PA 18104
1998-2011
Lehigh Valley Health Network
Attending Physician
1200 S. Cedar Crest Blvd.
Allentown, Pa 18103

CURRICULUM VITAE HARRY WINTERS BUCHANAN IV, M.D. PAGE THREE

LICENSURE:

Commonwealth of Pennsylvania, 1983

Certificate No. MD-029484-E

HONOR SOCIETIES & AWARDS:

Max Goodloe Scholorship

Pre-Medical 1973 - 1975

Phi Beta Kappa

Bachelor of Science -Summa Cum Laude

American Academy of Ophthalmology

American Medical Association (AMA)

PA Medical Society (PMS)

Ocular Microbiology & Immunology

Lehigh Valley Ophthalmology Society

(PAO) PA Academy of Ophthalmology Legislation and Representation 1997-1999

COMMITTEE APPOINTMENTS:

Co-Medical Director

Northeast Pa Lions Eye Bank

Allentown, PA 1986-2014

Division Chief of Ophthalmology - LVHN

Department of Surgery

1985 - 1996

Division Chief of Ophthalmalogy

Sacred Heart Hospital 421 Chew St

Allentown, Pa 18102

CURRICULUM VITAE HARRY WINTERS BUCHANAN IV, M.D. PAGB FOUR

PUBLICATIONS:

Acanthamoebic Keratitis Buchanan H.W., Adams, C., Cohen, E.J., Wills Meeting, March 1984

Diagnosis and Management of Acanthamoeba Keratitis. Buchanan, H.W., Cohen, E.J. American Journal of Ophthalmology 100:389-395, September, 1985

Juvenile Xanthogranuloma
Buchanan, Jerry and Carol Shields,
Archives of Ophthalmology, 1991

Polymorphic Corneal Amyloidosis Buchanan, H.W. Ophthalmology Journal Volume III Number 6 June 2004

Phone: 484-862-3900 Fex: 610-402-8926

LVHN.org



September 11, 2017

Patrick J. Rellly. JD Gross McGinley, LLP 33 S. Seventh St. Allentown, PA 18105-4050

RE: Harry W. Buchanan IV MD

Dear Patrick J. Relly, JD:

in response to your request regarding the referenced individual, our records indicate the following information which is current as of September 11, 2017:

Department: Division:

Surgery Ophthalmology

Seption:
Medical Staff Catagory:
From Appointment Date:
To (Present if blank):
Reason Affiliation Ended:

Active 08/01/1989

Status:

Current Member with No Disciplinary

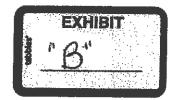
Actions



If you require further information about this or any other practitioner, please fax your written request, along with an appropriate authorization for release of information, to the Office of Medical Staff Services at (610) 402-8326.

NOTICE the exhibited that any actions which may have been taken resulting in non-complication with workinshing in recommends perceiving the country freedom second complication are meeting attending to recommend a RE NOT reflected on the report. The Leftish Yatley Hoslis weekent inection said in the hospital carrier, The Altersoom Hospital in the hospital carrier, The Altersoom Hospital, Muhierberg Hospital Carrier, The Altersoom Hospital, Muhierberg Hospital Carrier, Patryounds Surpleaf Carrier, Said Hospital, Schuyeld Medical Carrier, Said Hospital, This induction desired Carrier, Said Hospital, This induction desired Carrier, South, Leature and Schuyeld Medical Carrier, Rest Norwigalian. This induction the Carrier, South, Leature and Schuyeld Medical Carrier, and their current medical start example, Where mornborately have appointed to any funnar medical resolutions of the most recent appointment to either the Altert Health or Medical State.

Dane Hecker Administrator Medical Staff Services



September 25, 2017

To: Judge Henry S. Perkin

Re: Harry W. Buchanan IV, MD

Your Honor,

This mail is intended to provide you with background on Dr. Buchanan through my personal contact.

I have known Dr. Buchanan as a colleague and my patient (and as my physician) for 30 years. I chose to have Dr. Buchanan perform my cataract surgeries despite my several national and international contacts. As a matter of fact, I flew in my brother from Mumbai, India, to have his cataracts removed by Dr. Buchanan. Dr. Buchanan has trained at the world renowned Moorfields Eye Hospital in London, England. Several dignitaries, including the Chairman of Air India, are his patients.

Dr. Buchanan was invited by Hargobind Foundation in India to screen and recommend Indian surgeons who wished to travel abroad on the Foundation scholarship.

Dr. Denis O'Day, the then President of American Board of Ophthalmology, was a guest lecturer in Allentown, arranged by Dr. Buchanan. I heard Dr. O'Day speak of Dr. Buchanan as one of his most preeminent trainees.

Dr. Buchanan is also nationally recognized by corneal transplant organizations.

On a personal and social level, our families are close. I performed major abdominal surgery on his father (I am afraid I am risking HIPAA violation) and was at Dr. Buchanan's wedding as a groomsman.

If necessary, I shall be available to vouch for Dr. Buchanan's integrity and high esteem in the medical community, in person.

Yours truly,

Indru T. Khubchandani, MD
Professor of Surgery, Morsani College of
Medicine, University of South Florida
Past President, International Society of University
Colon and Rectal Surgeons (ISUCRS)
ITK/my



Heydt Insurance Agency, Inc. 121 N. Cedar Crest Blvd. Allentown, PA 18104 Phone 610-432-6881 Fax 610-432-7853

Attorney Patrick Reilly 33 S 7th St Allentown, PA 18101

Re: Dr. Harry Buchanan IV

Dear Sir,

I have known Dr. Buchanan for over 30 years and during that time he has been involved in many issues financially, personally and perhaps most importantly his involvement in the NE PA Lions Eye bank before the merger with SightLife.org.

Dr. Buchanan is a very generous and caring doctor and with all his trials and tribulations over the last 30 years he managed to not only keep the Eye Bank one of his priorities, he managed to grow the services and helped merge the NE Lions Eye Bank with Sight Life so the good works he started could continue to grow after he transferred the leadership to Sight Life.

I participated in several of his fund raisers for his charity over the years and could not help to admire his hard work and dedication to the Eye Bank. His involvement should not be deterred because of the problems he incurred during the last few years. I hope his past services would not be overlooked as we move into the future.

Sincerely,

William L. Heydt, CLU

Mm J. / lexth

5569 Princeton Road Macungie, PA 18062 October 5, 2017

Honorable Henry S. Perkin
United States Magistrate Judge
United States District Court
Eastern District of PA
United States Courthouse & Federal Building
Suite 4401
504 West Hamilton Street
Allentown, PA 18101

Re: USA v Buchanan Case No. 5:17-CR-00166

Dear Judge Perkin:

I am a sixty-seven year old husband, father, and grandfather, residing with my wife, Marie, in Macungie, PA. I am a retired professional from the United States Department of Justice, with over thirty-two years of service.

In 2008 we became patients of Dr. Harry W. Buchanan and his staff, at their North 17th Street office. From the outset and continuing to the present, I have always found Dr. Buchanan to be an honorable, caring, and compassionate individual. I have found Dr. Buchanan to always put the care and medical concerns of his patients as his top priority. I harbor only respect and admiration for Dr. Buchanan and his staff.

I urge you to consider Dr. Buchanan's good character and demonstrative care for his patients, in the resolution of the matter before you.

Should you have any question, please contact me directly at telephone number (610) 739-2354.

Sincerely; Joseph R. Browy, Ja.

Joseph R. Brown, Jr.



15 Hidden Pond Dr. Reading, PA 19607 Phone: 610-777-8986 October 26, 2017

Re: Harry W. Buchanan, IV, M.D.

I am writing this letter of reference about my friend, whom I have known for more than 20 years, and who is also my trusted ophthalmologist.

My name is Kenneth McKibben and I have worked in the trucking industry for over 40 years, initially as Senior Vice President of Maintenance for Penske Truck Leasing and since 2010 as President of Single Source Transportation Company. During my career, I worked with many suppliers and had the pleasure of meeting Harry's father. After collaborating with him for many years on special projects, we began to socialize and I got to know his family as well, eventually becoming a patient at his son's practice. It was a great loss to all of his when his father passed away.

I live in Reading but drive to Allentown for my appointments. I have a great deal of confidence in his abilities and respect for his skills as a physician. He has always conducted himself with the highest levels of integrity and professionalism. I offer this reference to his exceptional character without hesitation.

Sincerely,

Kenneth McKibben

Kauneth F. M. S. la Ha

Honorable Judge Henry S. Perkin

A short time ago my nephew Jared sustained a vision threatening injury to his left eye as a result of a freakish hunting accident. I brought Jared to my Emergency Room at Lehigh Valley hospital which is a high acuity trauma center and top 100 hospital in the United States. Despite my being a Board-Certified Emergency Room Physician, I was flummoxed to discover that not one of the on-call ophthalmology eye surgeons was available to see Jared at a time of a real emergency.

I called Dr. Harry "Buck" Buchanan who was neither on call or working that day. He had no responsibility whatsoever to cover any emergencies at that moment. Yet, "Buck" not only returned my phone call but was standing in the ER at Jared's bedside within minutes. Harry attended to Jared's serious eye emergency with skill, focus, passion and compassion — as he does with every one of his patients. Because of Harry's skill and attention to detail, Jared went on to make a full recovery over the next several months. Imagine my relief.

I have known Harry Buchanan for almost ten years. To say my colleagues and his patients are fond of Buck would be an obtuse distortion of the truth. My trauma team, Jared, and Buck's patients admire Harry in a way that is afforded few of my colleagues. They love Buck because he has earned their right for esteemed approval. They trust him, they respect him, and they admire him for one simple reason – Harry puts himself on the line for them – and they know it.

To be clear, Jared's emergency is not an isolated instance of Buck demonstrating his passion for better medicine. There are literally hundreds of similar cases – just ask any one of his patients – or ask any one of my colleagues.

To lose Harry Buchanan would be a serious blow to our trauma coverage rotation of specialists – just ask my nephew Jared – who today sees clearly and lives life fully for one reason – Dr. Harry "Buck" Buchanan.

Sincerely,

Dr. Jerome C. Deutsch, Department of Emergency Medicine / Trauma Division, Lehigh Valley Hospital & Health Network.



LVPG-INFECTIOUS DISEASES

1250 South Cedar Crest Blvd Suite 200 Allentown, PA 18103

ph. 610-402-8430 fax: 610-402-1676 Keystone Travel ph: 610-402-8433

Luther V. Rhodes, III, M.D, FACP, FIDSA, FSHEA Mark C. Knowse, M.D. FACP Marcelo G. Gareca, M.D., FACP Jaan P. Nakin, M.D., FACP Eric T. Young, M.D., FACP Daniel H. Monkowski, M.D. Deepti Verma, M.D.FACP Suzanne J. Templer, D.O. Lalita Shastry, M.D. Tricla Royer, D.O. Amy Sienker, M.D. Christopher T. Miller, M.D. Carla Rossi, M.D. Christopher Miller, M.D. Ayiin Colpan, M.D. Brian C. Friel, D.O. Justin Cooper, PA-C Emily Morales, PA-C Erin Mantilla, PA-C Arnanda Schaeffer, PA-C Timothy Haines, PA-C

The Honorable Henry S Perkin United States Magistrate Judge Edward N Cahn US Courthouse and Federal Building Allentown, Pennsylvania

October 23, 2017

Re: Character statement on behalf of Harry W Buchanan, IV, MD

Dear Judge Perkin,

I have personally and professionally known Doctor Harry W Buchanan for more than two decades. As Chief of Infection Control at Lehigh Valley Health Network I have had many opportunities to share patient management cases with Dr. Buchanan. Over the years we had the opportunity to see patients together for complicated eye infections and I can attest to Dr. Buchanan's ready availability and dogged determination to do the right thing, consistently, for the best patient outcome. Some of the cases were so complex they had to be transferred to Wills Eye Institute in Philadelphia after stabilization at Lehigh Valley Hospital and Dr. Buchanan facilitated this regardless of the time of day (including holiday weekends!). Not all ophthalmologists participate in the demanding rigors of hospital 'on call' duties, but Dr. Buchanan always has. He has been a physician champion of best practices in his surgical field at Fairgrounds Medical Center in Allentown.

I am aware of Dr. Buchanan's expertise in some cutting edge eye surgery techniques. I respect his skills to the point I chose him to perform my own cataract surgery several years ago.

"Buck" as he is known amongst the medical staff is well liked personally. He takes the time needed to explain things to his patients and their families. His affable demeanor is greatly appreciated by the medical and nursing staff at LVHN. I have not had social interactions with Dr. Buchanan outside of

the medical staff gatherings, but I consider Buck a true friend and I am always glad to see him. I have no business dealings with Dr. Buchanan or other conflict of interest (other than being his patient for eye surgery about two years ago).

I respectfully offer this statement of support for the character and professionalism of a trusted friend and colleague. I would be happy to provide any further information that may facilitate the court in this matter. My contact information is included.

Sincerely.

Luther V (Pat) Rhodes III, MD

Chief, Infection Control and Hospital Epidemiology

Lehigh Valley Health Network

Professor of Medicine Morsani School of Medicine

University of South Florida

1250 South Cedar Crest Blvd, Allentown, Pa

Luther Rholes

Cell phone: 610-984-2419

Email: luther-pat.rhodes@lvhn.org

Dear Judge Perkin,

I am writing on behalf of my opthalmologic Dr. Harry Buchanan. My association with Dr. Buchanan began about nine years agowhen I was confronted with the possibility of cancer in my right eye. When this discovery was made, Dr. Buchanon immediately contacted the Willi Eye Institute in Philadelphia and Scheduled an appoint ment for me the very next day. Having recently moved to Penneylvania I was unfamiliar with the city of Philadelphia and Willer location. Lir. Buchanan personally called my home yeveral times to be sure I was comfortable with the direction to the hospital. a week later, I underwent a successful orbitotomy. Her kindness and compare enabled me to get through this very stressful time Live then, Dr. Buchanan has graciously provided me with his personal cell phone number and encouraged me to call him any-time with concerns. He has made himself available 24/7, even being me on Saturday a Sunday when necessary, His treatment of m is most unusual in today's medical world, volume doctors are often impersonal and premis uncaring, Dr. Buchanan, however, in the excepti He also extends this caring attetude to his fame especially toward his elderly mother, making frequent calle and visits out of state, to see her and comfort her.

resente the bighest standards in apthalmology as he has endicated to me on more than one occasion, his work is his life. He truly

doves what he does. Never have I known anyone in any profession with a keene sense of vocation. He is a gentleman whose character is above reproach.

there qualities carefully when making

Dencerely, Barbara Errico 21 Devonshire Dr Easton, Pa. 18045 610-923-7661

6292 Sunset Road Germansville, PA 18053 610-767-7919

October 17, 2017

The Honorable Judge Henry Perkin

Your Honor:

I have known Dr. Buchanan professionally and personally for over 25 years. The first contact with him was when a serious virus infected my one eye which he treated resulting in no loss of sight. Over the past 25 years it had re-occurred two more times. The last time being two months ago and it was very critical. Dr. Buchanan was contacted on his cell phone. He had just come out of surgery. He told me to come to his Allentown office right away. This time it was so serious that blindness could have been partial or total in that eye. Thank God for the care and concern demonstrated by Dr. Buchanan.

Having the experience of working for many years with people from all walks of life has benefitted me as being a fair judge of character. Some of the positions and activities include having been a labor union officer for 35 years with the UAW, Local 677 at Mack Trucks, holding many union positions from steward to being president for 14 years; also president and top negotiator of the Mack Truck Council representing over ten-thousand workers and retirees in Allentown, Pennsylvania, Hagerstown, Maryland, and Winnsboro, South Carolina; past President of the Northwestern Youth Association of which we developed 35 acres of fields for youth activities; Chairperson of the Veterans Committee at my church working presently with a young man doing an Eagle Scout project to honor all the armed forces' veterans from our church.

Dr. Buchanan has many accolades behind his name; to name a few, past Medical Director and current co-Chair Director of the Eye Bank of Northeast Pennsylvania; Wills Eye Hospital Philadelphia, Pennsylvania Fellowship; and an internship and fellowship with Moorfields Hospital of England. Aside from all this, his character speaks for itself. Knowing Dr. Buchanan professionally and personally the good doctor has always been above reproach, honest, sincere and a very caring individual in all ways.

Thank you for taking your valuable time and consideration to read this testament of Dr. Buchanan's character. May it be of benefit in your judgment of this matter.

Sincerely yours,

Carl C. Breininger

Pat Reilly

From:

Al B. <emsgang@ptd.net>

Sent:

Wednesday, October 25, 2017 6:50 PM

To:

PReilly@GrossMcGinley.com

Subject:

Please forward to Judge Henry S. Perkin

1163 Edward Ave. Allentown, PA 18103 October 25, 2017

Dear Judge Henry S. Perkin,

We are writing to you on behalf of Dr. Harry W. Buchanan IV, MD over whose case you are presiding.

Our family moved to Allentown in 1985. Little did we know that a stick would introduce us to a talented, capable, and trusted physician who has over thirty two years touched our lives many times over.

Our youngest son, Eric, was three and pointing a stick at the stars in the sky when Ryan, our six year old turned to chase lightning bugs. Contact! Ryan's eye met the stick and we were off to LVHN ER where we met a young doctor about our age. The doctor was Dr. Buchanan. We were new to the area by about three months and did not have an eye doctor. We decided to join Dr. Buchanan's patients.

Dr. Buchanan thoroughly checked Ryan's injured eye and his vision and scheduled a follow-up at his office. I remember Dr. Buchanan sitting Eric on the table next to Ryan and talking to him about stick safety and exactly what he

Over the years we have all received annual care for eye health and vision. Dr. Buchanan performed my LASIK surgery in 2004. My husband has been under Dr. Buchanan's watchful and expert care for glaucoma. In 2013 he performed Al's cataract surgery. When my parents moved to Allentown, Dr. Buchanan cared for mother's macular degeneration as well as her and my dad's cataract surgeries. Our son's vision and growth were monitored by Dr. Buchanan's watchful care. Needless to say, our lives have been impacted by Dr. Buchanan's skill and competence. We have a positive medical relationship as well as a friendship of care, concern, and respect for each other.

I remember when Ryan went off to college, Dr. Buchanan shook his hand and said, "Ryan make the right decisions." When Eric spoke to him about his interest in anesthesiology, Dr. Buchanan said to him, "A good doctor is like a good minister." I'm sure you gather from this Dr. Buchanan is a fine man and doctor.

You know life is like putting together a puzzle. You get close to the end and realize a piece is missing. You don't shelve the puzzle or throw it away because a piece is missing. The puzzle is just as wonderful as the illustration on the box, only a piece is missing. Whatever circumstance led to Dr. Buchanan's situation, he is still a very talented, capable, and trusted physician by many patients who depend on him and respect him. He is God's healing hands. Please realize this in your consideration of his case. He is a good man.

Sincerely, Al and Dee Bauernschmidt Sent from my iPad

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Levy, Stieh and Gaughan, P.C. Attorneys at Law Lila F. Levy-Dino
Counsel to the firm
John T. Stieh
Admitted in PA & NJ
Kelly A. Gaughan
Admitted in PA, NY & NJ
James P. Baron
Admitted in PA

September 28, 2017

The Honorable Henry S. Perkins United States Courthouse and Federal Building 504 West Hamilton Street, Rm. 4401 Allentown, PA 18101

Re: United States of America vs. Harry W. Buchanan, IV

Dear Judge Perkins:

I write to you in connection with the impending sentencing of Harry W. Buchanan, IV. Dr. Buchanan's parents, Harry W. Buchanan, III and Barbara C. Buchanan were clients of mine since the early 1980's. I continue to represent Mrs. Buchanan and am an Executor of Mr. Buchanan's estate. Through Mr. and Mrs. Buchanan, I became aware of many of the financial circumstances with which their son was confronted.

Mr. Buchanan would frequently come to see me to discuss the complex and difficult matrimonial and custody issues with which Dr. Buchanan was confronted. He shared with me the extreme financial burden Dr. Buchanan was bearing and Mr. Buchanan's fears for his son's physical and emotional well-being. I am aware that Mr. Buchanan repeatedly financially assisted Dr. Buchanan in fulfilling his support and alimony obligations, as well as in the expenses of the protracted litigation. He further shared with me his awareness that those matters were profoundly affecting Dr. Buchanan's medical practice and his earnings.

While Mr. Buchanan was literally on his death bed, I personally witnessed the demands he imposed on Dr. Buchanan for Dr. Buchanan's personal attendance to Mr. Buchanan's medical needs. Due to the severe affect Mr. Buchanan's needs had on Dr. Buchanan's medical practice, Mr. Buchanan instructed that payment be made from his assets to fund the operation of Dr. Buchanan's practice while he was attending to his father.

Since Mr. Buchanan's passing, I have had the opportunity to work with Dr. Buchanan as Co-Executors of Mr. Buchanan's estate. It has become apparent that Dr. Buchanan has been put in the role of being the family patriarch. He has actively attended to his mother's needs, has been of great assistance to many of his five siblings and, all the while been attempting to rebuild his medical practice, which had declined significantly as a result of the family obligations he accepted near the time of his father's last illness.

September 28, 2017 The Honorable Henry S. Perkins

Page 2 of 2

Re: United States of America vs. Harry W. Buchanan, IV

I have found Dr. Buchanan to be forthright and honest with me in our dealings.

As a member of the Bar, I appreciate the magnitude of the circumstances in which he is now before the court. From my knowledge of Dr. Buchanan for more than the past twenty years, I can only believe his actions were in no manner reflective of the responsible person I have found him to be. I would hope the court can take these thoughts into consideration in mitigation of Dr. Buchanan's sentence.

Respectfully yours,

lợn T. Stiển

JTS:sb

cc: Patrick Reilly, Esquire

October 27, 2017

3150 COFFEETOWN ROAD OREFIELD, PA 18069 • (610) 395-3333 • www.jaindl.com



Honorable Henry S. Perkin
United States Magistrate Judge
Suite 4401, 504 Hamilton Street
Edward N. Cahn U.S. Courthouse and Federal Building
Allentown, Pennsylvania 18101

RE: Harry W. Buchanan, IV, MD

Your Honor,

The purpose for this letter is to provide both a professional and personal reference for Dr. Harry W. "Buck" Buchanan.

I have known Dr. Buchanan (Buck) for over 30 years. During this time Buck has proven to be a very reliable and a very competent physician. I recall an instance with my son Adam when he was a youngster. We were at a family function when Adam was hit in the eye with a foreign object. It was very late in the evening but we were concerned for our son's vision and did not want to wait until the morning. We called Buck and he did not hesitate to tell us meet him right away at his office.

He spent 45 minutes with Adam and would not let us go until he was fully confident there was not damage. I would not trust anyone else with the health of my eyes or those of my family.

He has always been there for me, like he is with all his patients, as I have heard numerous stories from others suggesting similar positive experiences.

Everyone that knows Buck knows he is an extremely competent and caring physician that goes above and beyond to help his patients and his friends.

Buck is a community leader and can be relied on when needed at any time day or night.

My family and I have also spent time with Buck and the Buchanan family socially over the years. He comes from a much respected "stand up" family. I know his skill as a physician and his sincerity as a friend brings value to our community.

Most Sincerely,

David M. Jaindl

Cc: Harry W. Buchanan, IV, MD

Goudsouzian GA Associates

BRIAN J. PANELLA † Brian@SNG-LAW.com

MATTHEW J. ALKON†
MATTHEW@SNG-LAW.COM

STEVEN N. GOUDSOUZIAN* STEVEN@SNG-LAW.com

ROBERT EYER
ROBERT@SNG-LAW.COM

CHAD M. DIFELICE† CHAD@SNG-LAW.COM

MATTHEW C. POTTS OF COUNSEL

October 30, 2017

The Honorable Henry S. Perkin
United States Magisterial District Judge
Edward N. Cahn Courthouse and Federal Building
504 Hamilton Street
Suite 4401
Allentown PA 18101

RE: Harry W. "Buck" Buchanan

Dear Magisterial Judge Perkin:

It is my hope and intention to be present at the sentencing of Harry W. "Buck" Buchanan. However, if there are be other commitments that prevent me from being personally present, I would like to offer this letter in support of Buck.

For many years, Buck was instrumental in the Northeast Pennsylvania Lions Eye Bank. The Lions Eye Bank was housed in a portion of his office and grew to a non-profit organization with over 25 employees that provided corneas to thousands of individuals within the 37-county area in Pennsylvania which the Eye Bank served. This essential service to a huge section of the Commonwealth of Pennsylvania was operated out of the headquarters located on Jacksonville Road in Bethlehem.

I became involved with Buck and the Eye Bank when I was asked to assist with a possible transition of the Eye Bank. I was immediately impressed with Buck's concern about having high quality corneas available for patients throughout the Commonwealth. The process of having corneas available for patients is one that requires precision and coordination (as well as skilled surgeons) and it is a process that Buck had mastered to the benefit of thousands of Pennsylvania residents. Although Buck is a skilled surgeon, part of the process was making sure

The Honorable Henry S. Perkin October 36, 2017 / -C1-00106-HSP Document 21 Filed 10/31/17 Page 35 of 39 Page 3 of 3

that the corneas were available for other skilled surgeons with the 37 counties for their respective patients.

However, the landscape of the industry was changing, and Buck realized this before many. The traditional methods of obtaining and distributing corneas to patients was becoming less effective and would eventually become outdated. While it would have been easy for Buck to do simply nothing and let the Eye Bank run its course, Buck had the foresight to realize that if dramatic changes were not made immediately, needy patients would not receive the medical care that they would require.

This shift in the landscape of the field was not clear to most, at least not initially. As a first step, Buck had to educate and persuade the employees and staff of the Northeast Pennsylvania Lions Eye Bank. Then, Buck had to persuade members of the Board of Directors. Finally, Buck had to persuade the actual members of the organization.

In the meantime, Buck negotiated a favorable transaction for a transition of the Eye Bank with Sightlife, which could continue to carry on the Eye Banks mission. (The result was much, much better than I anticipated/predicted – and it was all due to Buck).

These efforts were made over a period of months which required countless meetings, strategy sessions, contract negotiations, conference calls and other efforts. As a direct result of Buck's efforts, the Northeast Pennsylvania Lions Service Foundation was established and was provided a significant funds from the transaction with Sightlife which has begun to and will continue to assist Pennsylvania residents for decades to come.

As I was involved with the this process, I was impressed with Buck's concerns of providing high quality care to individuals. On several occasions, at the end of the work day, I would pick Buck up at his office where he would be finishing with his last patient of the day, we would drive to Harrisburg for a meeting with the Board of Directors of the Northeast Pennsylvania Lions Eye Bank, and then head back to the Lehigh Valley where Buck would personally call his patients to check up on them.

Buck's devotion to his patients was and continues to be exemplary. Buck's contribution, although not public, to thousands of needy individuals, not only

October 39 Page 3 of 3

through his own practice but due to his efforts through the Eye Bank, demands recognition.

I would ask that Court take this correspondence into consideration when sentencing Buck.

I respectfully suggest that a period of incarceration would help no one, and hurt the patients that Buck has and will continue to assist over the years.

Thank you.

Respectfully yours,

GOUDSOUZIAN & ASSOCIATES

Steven N. Goudsouzian

SNG: kb

Case 5:17-cr-00166-HSP Document 21 Filed 10/31/17 Page 37 of 39

THE ORLOSKI LAW FIRM

111 NORTH CEDAR CREST BOLLEVARD ALLENTOWN, PENNSYLVANIA 18104-4602 610-433-2363 FACSIMILE: 610-433-4785

RICHARD J. ORLOSKI RJO@ORLOSKILAW.COM

RICHARD LAW ORLOSKI RLOBORLOSKILAW.COM

KEVIN LAW ORLOSKI KLOBORLOSKILAW.COM

October 30,2017

Hon. Henry S. Perkin U. S. Courthouse 5th and Hamilton St. Allentown, PA 18102

Re: Harry W. Buchanan, IV, M.D.

Dear Judge Perkin:

I am writing on behalf of Dr. Harry Buchanan with the hope that I can give you some insight into the character of this good and talented man.

Buck Buchanan is one of the good guys. Yet even the good guys make mistakes.

I met Buck Buchanan about seven years ago when my wife, Kathy, needed a cataract surgeon. Buck used a highly specialized lens for her and for the last six years she sees like Wonder Woman. He came highly recommended and he performed consistent with the glowing recommendations.

I did not realize just how good a surgeon he is until I needed a cataract operation.

Unfortunately, I have some unique anatomical features and I went for a second opinion to Wills Eye. The doctor asked why I was there and I told him. I was trying to get that specialized lens that my wife had.

This hot shot eye surgeon from Wills Eye told me it cannot be done. The surgery would not be successful and it would only last six months, and no one at Wills Eye would do that surgery. I pointed to my wife and said she had the surgery performed successfully six years ago in Allentown. He did not believe me,

Not only is Buck Buchanan a marvelous surgeon, but he is a generous physician who uses his talent to help less fortunate of our neighbors, I had a client who was dead broke, and she was going blind because of cataracts. I personally spoke to Buck about her

Buck immediately scheduled her for an appointment telling me that the practice of medicine was helping people, even patients without money.

I think it is important to the community that we keep this talented surgeon here in Allentown practicing medicine the old fashioned way, i.e., it's patient care that comes first.

We need him amongst us,

Sincerely. Libral Jahre

Richard J. Orloski

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)		
	Plaintiffs)	No:	17-CR-166
v.)		
HARRY W. BUCHANAN,)		
	Defendant)		

CERTIFICATE OF SERVICE

This is to certify that Defendant's Sentencing Memorandum was e-mailed, this 30 day

2017, upon the following:

Bea L. Witzleben, Assistant U.S. Attorney U.S. Department of Justice Eastern District of Pennsylvania 615 Chestnut Street, Suite 1250 Philadelphia, PA 19106-4416 Via E-Mail: bea.witzleben@usdoi.gov

GROSS McGINLEY, LLP

SALLY A. MOLINA

Legal Administrative Assistant